



DEMYSTIFYING THE REHABILITATION ACT

**What Faith-Based and Community Organizations
Need to Know About Using Federal Financial
Assistance to Serve People with Disabilities**



Using Federal Financial Assistance to Serve People with Disabilities

IF you represent a faith-based or community-based organization that is

- Receiving financial assistance from the United States Department of Labor (USDOL) (e.g., a grant, sub-award, contract, in-kind assistance, etc.), or
- Planning to apply for financial assistance from USDOL, or
- Partnering with an existing USDOL-supported program,

THEN, the following information will help you better understand how Section 504 of the Rehabilitation Act of 1973 applies to your organization as you serve people with disabilities.

1 As a faith-based organization, we are exempt from certain parts of the Americans with Disabilities Act (ADA). However, will any other Federal disability nondiscrimination laws apply to us if we receive Federal financial assistance?

Yes. Section 504 of the Rehabilitation Act of 1973 (Section 504) applies to organizations that receive Federal financial assistance, including faith-based and community-based organizations. Section 504 prohibits recipients of Federal financial assistance from discriminating against an individual because of a disability, and requires them to take certain positive actions to “level the playing field” for people with disabilities. Keep in mind that under the law, "financial assistance" includes more than simply dollars and cents; it also includes non-monetary aid, such as donations of items, services, or free or discounted use of government space or property.



This fact sheet provides information only about Section 504 of the Rehabilitation Act of 1973, and the regulations that have been published to implement it. Each Federal agency has its own regulations implementing Section 504. The Department of Labor’s Section 504 regulations can be found at: http://www.access.gpo.gov/nara/cfr/waisidx_01/29cfr32_01.html.

Other disability-related laws may also apply to your organization, such as Section 188 of the Workforce Investment Act (WIA). For further information on the disability-related requirements of WIA Section 188, you are encouraged to visit:

<http://www.dol.gov/oasam/programs/crc/section188.htm>.

2 Our organization is very small. Will Section 504 of the Rehabilitation Act apply to us?

Generally, yes. If, however, your organization has fewer than 15 employees on each day of the program year, and serves a total of fewer than 15 people during a program year, your organization may be exempt from the accessibility requirements that apply to larger organizations. Those requirements are discussed in the answer to question four (4).



3 Does our organization need to change our program or facilities before we apply for a Federal grant?

If your organization is applying for a Federal grant or certain other types of Federal financial assistance, your application will need to include a specific statement assuring that your program will comply with disability nondiscrimination requirements if it receives the assistance. However, you are not required to make any changes until after you receive assistance. See the discussion of accessibility in the answer to the next question.



4 Our organization is interested in using Federal financial assistance to mentor young people with disabilities, and also in partnering with another Federally-supported program. We are concerned that our house of worship/facility has steps, but no ramp or elevator. Will our organization be required to make architectural changes for disability access, like installing a ramp or an elevator, widening doors, and/or changing the restrooms and drinking fountains? What else do I need to know about making our facility and programs accessible?

You are probably thinking of the Federal specifications for accessible facility design and construction (known as “architectural accessibility” guidelines or standards). Complying with those guidelines or standards is known as providing *architectural accessibility*. Your place of worship or facility will be required to meet or exceed the architectural accessibility standards only if it was *built, altered or renovated* (or *will be built, altered or renovated*) after the date you first receive(d) Federal financial assistance. If your organization does not plan to build a new facility, or to renovate or alter its present facilities, while you are receiving Federal financial assistance, then the architectural accessibility requirements will not apply. Those requirements also will not apply to you if your organization falls within the small-recipient exception (see answer to question two (2)).

Even though the architectural accessibility requirements may not apply to your facility, you are still required to provide all of your Federally-assisted programs and activities in such a way that, *viewed as a whole*, they are accessible to people with disabilities. This process is known as providing *program* or *programmatic accessibility*. Rather than meeting a specific set of guidelines or standards (as with architectural accessibility), providing programmatic accessibility allows you to take a common-sense approach. For example, if the part of your house of worship or facility where you planned to provide a Federally-assisted program is not accessible to people with disabilities, you can provide programmatic accessibility in one or more of the following ways: (1) providing additional sessions of the same program in a portion of your house of worship or facility that is accessible; (2) moving the entire program to an accessible facility; (3) renovating the inaccessible part of the house of worship or facility; or (4) any other method that will enable you to provide a fully-accessible program. Whatever method you choose, you must make the program accessible within 60 days of the date on which your organization first receives Federal financial assistance.

Other examples of possible ways to provide program accessibility, depending on the individual circumstances of your organization and the Federally-supported programs it offers, include redesign of equipment; assignment of aides to help customers or employees; and visits to clients at home, among many other possibilities. The method you use to provide programmatic accessibility is up to you. In deciding what method to use, remember that Section 504 requires you to offer programs and activities to persons with disabilities in the most integrated setting appropriate for the needs of those persons.

If you are required to make all or part of your house of worship or other facility architecturally accessible, the law allows you six (6) months to develop a transition plan for making the required changes. Those changes must be completed as quickly as possible, but not later than three (3) years after you first receive Federal financial assistance.

The Federal architectural accessibility standards are available from the U.S. Access Board at the following Web page: **<http://www.access-board.gov/gs.htm>**, or by calling the Access Board's toll-free phone number:

- (800) 872-2253 (Voice)
- (800) 993-2822 (TTY)

Please note that if your facility must comply with accessibility standards, and your state or local accessibility standards are more stringent than the Federal standards, you should use the more stringent standard(s).



5 Our organization conducts some of its programs in office space donated by a local business. This space is not accessible to people with disabilities. Are we exempt from accessibility requirements because we do not own or rent the space?

No. Your organization is not exempt from the accessibility requirements simply because the space it uses is donated (i.e., neither rented nor owned).



6 Our organization serves people with a wide range of disabilities, such as people who are blind, deaf, and/or have learning disabilities or mental retardation. Where can I go to get information about providing accommodations for such individuals?

The Job Accommodation Network (JAN) is a good place to start. JAN is a free information and referral service (funded through the USDOL Office of Disability Employment Policy) that provides information about, and individual suggestions for, accommodations for people with disabilities in various contexts (not just the context of employment). JAN also provides information about the Americans with Disabilities Act and other disability-related legislation, and resources for technical assistance, funding, education, and services related to the employment of people with disabilities.

<http://www.jan.wvu.edu>



Our organization has a school bus and a van that we use to bring participants to our program. What do we do about transporting people who have mobility impairments (e.g., people who use wheelchairs, canes, walkers, etc.)?

If providing transportation is part of your organization's program, you must extend that service to participants with disabilities in the most integrated manner possible (i.e., participants with disabilities should be riding together with participants without disabilities to the greatest extent that is appropriate to the needs of the participants with disabilities).

Although your organization is not necessarily required to make all its vans and buses accessible, please be aware that carrying an individual with a disability into and out of a van or bus is not an acceptable means of providing access to transportation. Your organization should consider obtaining at least one van or bus that meets accessibility requirements, or providing an alternative means of transportation for program participants who have disabilities. Your organization may be able to accomplish these goals through partnerships with other organizations, such as senior citizen organizations or public transportation providers. In addition, your organization may be able to take advantage of Federal programs that can help pay for accessible vans or buses, such as the U.S. Department of Transportation's **5310** Program.

http://www.fta.dot.gov/grant_programs/specific_grant_programs/elderly_disabilities/4230_7954_ENG_HTML.htm

The following Web sites may serve as helpful resources for information about transportation for persons with disabilities:

- United We Ride (a Federally-sponsored Web site)
<http://www.unitedweride.gov>
- Project Action
http://projectaction.easterseals.com/site/PageServer?pagename=ESPA_homepage



What national resources are available to help our organization work with youth/adults with disabilities?

The **DisabilityInfo.gov** Web site, supported by USDOL and other Federal departments and agencies, provides a wealth of annotated links to resources, services and information for and about people with disabilities that is available throughout the Federal government or from Federally assisted programs. Topics include choice and self-determination, civil rights and protections, disability statistics, education, emergency preparedness, employment, health, housing, income support, parenting, recreation and travel, technology, transition, and transportation.

<http://www.disabilityinfo.gov>

Disability Program Navigators (DPNs), located in USDOL's One-Stop Career Centers, help job seekers with disabilities "navigate" the complex challenges of seeking employment. Through joint funding from USDOL and the Social Security Administration (SSA), the DPN initiative hires One-Stop staff to identify resources, establish linkages and partnerships with other public and private agencies serving adults and youth with disabilities, and provide technical assistance and training to assist the One-Stop Career Center staff in serving job seekers with disabilities.

<http://www.doleta.gov/disability>

The **Employer Assistance and Recruiting Network (EARN)** is a national toll-free telephone and electronic information referral service designed to assist employers in locating and recruiting qualified workers with disabilities. EARN, a service of the USDOL Office of Disability Employment Policy, can also provide technical assistance on general disability employment-related issues, such as the business case for hiring people with disabilities.

Phone: 1-866-EARN NOW (327-6669) (voice/TTY)

<http://www.earnworks.com>

The **Job Accommodation Network (JAN)** is a free information and referral service (funded through the USDOL Office of Disability Employment Policy) that provides information about, and individual suggestions for, accommodations for people with disabilities in various contexts (not just the context of employment). JAN also provides information about the Americans with Disabilities Act and other disability-related legislation, and resources for technical assistance, funding, education, and services related to the employment of people with disabilities. In addition, JAN analyzes trends and statistical data related to the technical assistance it provides.

<http://www.jan.wvu.edu>

The **National Center on Secondary Education and Transition (NCSET)** is funded by the U.S. Department of Education's Office of Special Education Programs. NCSET describes its mission as coordinating national resources, offering technical assistance, and disseminating information related to secondary education and transition for youth with disabilities in order to create opportunities for these youth to achieve successful futures.

<http://www.ncset.org>

The **National Center on Workforce and Disability/Adult (NCWD)**, funded by the USDOL Office of Disability Employment Policy, describes its mission as "provid[ing] training, technical assistance, policy analysis, and information to improve access for all in the workforce development system."

<http://www.onestops.info>



The **National Collaborative on Workforce and Disability/Youth (NCWD/Y)**, funded by the USDOL Office of Disability Employment Policy, describes its mission as working with state and local workforce development systems to ensure youth with disabilities are provided full access to high quality services in integrated settings in order to maximize their opportunities for employment and independent living.

<http://www.ncwd-youth.info>

The **National Dissemination Center for Children with Disabilities (NICHCY)** is a national information center, funded by the United States Department of Education's Office of Special Education Programs, which provides information on disabilities and disability-related issues. NICHCY's special focus is children and youth (birth to age 22).

<http://www.nichcy.org>

The **National Mental Health Association (NMHA)** is a national non-profit organization that describes itself as "addressing all aspects of mental health and mental illness." Its Web site includes resources for public education, training and technical assistance.

<http://www.nmha.org>

The **National Mental Health Information Center**, a service of the Substance Abuse and Mental Health Services Administration (SAMHSA) at the U.S. Department of Health and Human Services, is the primary information resource for Federal mental health programs. The Information Center provides general information about a range of mental health-related topics, news, topical publications, and a telephone information center.

Phone: 1-800-789-2647 (voice)
866-889-2647 (TDD)

<http://www.mentalhealth.org>

The **National Technical Assistance Center for State Mental Health Planning (NTAC)** describes itself as providing "focused, state-of-the-art technical assistance and consultation to state mental health agencies, state mental health planning and advisory councils, consumers, and families to help ensure that the best practices and most up-to-date knowledge in mental health and related fields are translated into action at the state and local levels."

<http://www.nasmhpd.org/ntac.cfm>

The **National Youth Employment Coalition (NYEC)** describes itself as "a non-partisan network improving the effectiveness of organizations that seek to help youth become productive citizens." NYEC's activities include a project on youth with disabilities.

<http://www.nyec.org>

The **National Youth Leadership Network (NYLN)** describes its mission as advancing the next generation of disability leaders by promoting leadership development, education, employment, independent living, and health and wellness among youth leaders with disabilities in all aspects of society at national, state, and local levels.

<http://www.nyln.org>

The **PACER Center**, funded by the United States Department of Education's Office of Special Education Programs, aims to expand opportunities for, and enhance the quality of life of, children and young adults with disabilities and their families, based on the concept of parents helping parents.

<http://www.pacer.org>



PEPNet, created and managed by the National Youth Employment Coalition (NYEC), is a system and an information source, based on practice and research, for identifying and promoting what works in youth employment and development for all youth, including youth with disabilities. Specifically, PEPNet works to improve programming and capacity in the youth employment/development field, inform public policy, and increase support for effective youth programming.

<http://nyec.modernsignal.net/page.cfm?pageID=110>

Project ACTION (Accessible Community Transportation in Our Nation), funded by the U.S. Department of Transportation's Federal Transportation Administration (FTA) and administered by the National Easter Seal Society, is a national research and demonstration program established to improve access to transportation for people with disabilities and assist transit providers in implementing the ADA.

<http://www.projectaction.org>

Public/Private Ventures (P/PV) is a research, public policy, and program development organization. P/PV describes its mission as improving the effectiveness of social policies, programs, and community initiatives, especially as they affect youth and young adults, including those with disabilities.

<http://www.ppv.org>

USDOL's CareerOneStop Web site offers a suite of national Web sites that help businesses, job seekers, students, and workforce professionals find employment and career resources.

<http://www.careeronestop.org>

The above list of resources is not meant to be exhaustive. Any listing of non-governmental resources should not be construed as an endorsement of the entities, their services, or products by the Office of Disability Employment Policy or the U.S. Department of Labor.

9

Who can our organization contact for additional information related to our legal obligations under Section 504, the Americans with Disabilities Act, and other federal disability statutes?

The **Civil Rights Center (CRC)** at the U.S. Department of Labor enforces and administers Federal laws prohibiting discrimination in programs and activities receiving Federal financial assistance from DOL or through the One-Stop system. CRC conducts compliance reviews, investigates discrimination complaints, and provides compliance assistance and training. CRC staff members are available to answer your questions about the disability nondiscrimination laws that apply to your organization because of its status as a recipient of Federal financial assistance. You are encouraged to submit your questions via e-mail at the address below.

U.S. Department of Labor
Room N-4123
200 Constitution Avenue, NW
Washington, DC 20210
(202) 693-6500 (voice)
(202) 693-6515 (TTY/TDD)
(800) 877-8339 (Federal Relay Service)
CivilRightsCenter@dol.gov
<http://www.dol.gov/oasam/programs/crc/crcwelcome.htm>



The **ADA Home Page**, a U.S. Department of Justice Web site with links to information on ADA requirements, technical assistance publications, design standards and enforcement.

<http://www.usdoj.gov/crt/ada/adahom1.htm>

The Office of Disability Employment Policy (ODEP), a Federal agency at the U.S. Department of Labor, provides leadership to increase employment opportunities for adults and youth with disabilities.

U.S. Department of Labor

Room S-1303

200 Constitution Ave., NW

Washington, DC 20210

Ph: (202) 693-7880

TTY: (202) 693-7881

Fax: (202) 693-7888

<http://www.dol.gov/odep>

The **Center for Faith-Based and Community Initiatives (CFBCI)** at the U.S. Department of Labor seeks to empower faith-based and community organizations (FBCOs) as they help their neighbors prepare for, enter and thrive in the workforce.

U.S. Department of Labor

Room S-2235

200 Constitution Avenue, NW

Washington, DC 20210

(202) 693-6450

(800) 877-8339 (Federal Relay Service)

<http://www.dol.gov/cfbci>





INCR

● OCTOBER
● NOVEMBER
● DECEMBER
● JANUARY
● FEBRUARY
● MARCH

① ↑ 2 ↓
② n ↑
③ ONE-TA

Employer Resources



Productivity Tools & Strategies when Hiring, Accommodating & Retaining Employees

Job Accommodation Network
www.jan.wvu.edu
800.526.7234 — V/TTY



Recruiting, Hiring & Business Case Resources

Employer Assistance & Recruiting Network (EARN)
www.earnworks.com
866.EARN.NOW (866.327.6669) — V/TTY



Publications, Fact Sheets, Interview & Hiring Tips

Office of Disability Employment Policy
U.S. Department of Labor
www.dol.gov/odep
202.693.7880
877.899.5627 — TTY